

# **EXHIBIT 5**

1 THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION

4 IN RE: NATIONAL :  
5 PRESCRIPTION OPIATE : MDL NO. 2804  
6 LITIGATION :  
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8 : CASE NO.  
9 THIS DOCUMENT : 1:17-MD-2804  
10 RELATES TO ALL CASES: Hon. Dan A. Polster  
11

12 Friday, April 26, 2019  
13

14 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
15 CONFIDENTIALITY REVIEW  
16

17 Videotaped deposition of DAVID A.  
18 KESSLER, M.D. (Day 2), taken pursuant to  
19 notice, was held at Baron & Budd, 600 New  
20 Hampshire Avenue NW, Floor G, Washington, DC  
21 20037, beginning at 8:07 a.m., on the above  
22 date, before Lisa V. Feissner, RDR, CRR, Notary  
23 Public.

24  
25 GOLKOW LITIGATION SERVICES  
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17 SEEGER WEISS LLP  
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4 Testimony of: DAVID A. KESSLER, M.D.

5 By Mr. Davis 432  
6 By Ms. Laurendeau 525  
7 By Mr. Gallagher 633  
8 By Ms. Feinstein 659  
9 By Ms. Levy 697

10 - - -  
11 E X H I B I T S  
12 - - -

KESSLER

12 EXHIBIT NO.	13 DESCRIPTION	14 PAGE
12	Clinical Development & Education, 1998 Mid-Year Update on Goals & Objectives, Linda A. Kitlinski ENDO-OPIOID_MDL-05967764 - 05967774	456
13	Clinical Development & Education, 1999 Objectives, Linda A. Kitlinski ENDO-OPIOID_MDL-03258200 - 03258202	461
14	Kessler large-format sheets Endo	466
15	Opana ER label dated February 2008	485
16	Opana ER Kit ENDO-CHI_LIT-00541205 - 00541210	489
17	Letter from Skariah to Best re: NDA #201655 Reference ID: 3124026 ENDO-OR-CID-000768706 - 00768711	499

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2 (It is hereby stipulated and agreed  
3 by and among counsel that sealing,  
4 filing and certification are waived; and  
5 that all objections, except as to the  
6 form of the question, will be reserved  
7 until the time of trial.)

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9 VIDEO OPERATOR: Today's  
10 April 26th. The time is 8:07 a.m., and  
11 we are now on the record.

12 This is the continuation of the  
13 deposition of David A. Kessler, M.D.,  
14 and he has been previously sworn in.

15 You may proceed.

16 MR. DAVIS: Thank you.

17 DAVID A. KESSLER, M.D.,  
18 having been previously duly sworn, was examined  
19 and testified as follows:

20 EXAMINATION

21 BY MR. DAVIS:

22 Q. Good morning, Dr. Kessler.

23 A. Good morning, sir.

24 Q. My name is Josh Davis. I represent

3 (Off the record at 6:06 p.m.)

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